



HAGENS BERMAN

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
 1918 EIGHTH AVENUE, SUITE 3300
 SEATTLE, WA 98101
 www.hbsslaw.com
 Direct (206) 268-9320
 steve@hbsslaw.com

March 2, 2018

BY EMAIL

FOIA Public Liaison
 U.S. Environmental Protection Agency
 1200 Pennsylvania Avenue, NW (2822T)
 Washington, DC 20460

RE: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552, *et seq.*, we request access to and copies of documents that are filed with, retained by, or prepared by the U.S. Environmental Protection Agency as enumerated below (“the Records”). This request is ongoing, seeking copies of (or access to) all Records as they are filed with the EPA. We are further requesting that the Records be provided to us on computer files or, if not maintained on computer files, in the same format as they are currently maintained at the EPA.

1. Copies of e-mails and documents sent between the Environmental Protection Agency (including the Office of Air & Radiation and the Office of Transportation & Air Quality) and employees, executives or directors at Mercedes-Benz USA, LLC regarding a technology that turns off emission controls in diesel-equipped model year 2007–2017 Mercedes ML 320, ML 350, GL 320, E320, S350, R320, E Class, GL Class, ML Class, R Class, S Class, GLK Class, GLE Class, and Sprinter. We are requesting correspondence covering the period from January 1, 2007, to the present.
2. Copies of disclosures made by Mercedes-Benz USA, LLC to the EPA concerning Auxiliary Emissions Control Devices in diesel-equipped model year 2007–2017 Mercedes ML 320, ML 350, GL 320, E320, S350, R320, E Class, GL Class, ML Class, R Class, S Class, GLK Class, GLE Class, and Sprinter.
3. Copies of documents reflecting any deficiencies granted to Mercedes-Benz USA, LLC by the EPA concerning Auxiliary Emissions Control Devices in diesel-equipped model year 2007–2017 Mercedes ML 320, ML 350, GL 320, E320, S350, R320, E Class, GL Class, ML Class, R Class, S Class, GLK Class, GLE Class, and Sprinter.

4. Copies of e-mails and documents sent between the Environmental Protection Agency (including the Office of Air & Radiation and the Office of Transportation & Air Quality) and employees, executives or directors at Mercedes-Benz USA, LLC regarding emissions testing and performance of diesel-equipped model year 2007–2017 Mercedes ML 320, ML 350, GL 320, E320, S350, R320, E Class, GL Class, ML Class, R Class, S Class, GLK Class, GLE Class, and Sprinter.
5. Documents reflecting the results of confirmatory testing conducted by EPA to verify emissions data submitted by Mercedes-Benz USA, LLC in connection with diesel-equipped model year 2007–2017 Mercedes ML 320, ML 350, GL 320, E320, S350, R320, E Class, GL Class, ML Class, R Class, S Class, GLK Class, GLE Class, and Sprinter.
6. Documents reflecting the results of in-use testing (testing that occurs after the vehicles or engines have been certified and after they have been in customer service for some period of time) conducted by EPA in connection with diesel-equipped model year 2007–2017 Mercedes ML 320, ML 350, GL 320, E320, S350, R320, E Class, GL Class, ML Class, R Class, S Class, GLK Class, GLE Class, and Sprinter.
7. Documents reflecting the results of any other post-certification testing conducted by EPA in connection with diesel-equipped model year 2007–2017 Mercedes ML 320, ML 350, GL 320, E320, S350, R320, E Class, GL Class, ML Class, R Class, S Class, GLK Class, GLE Class, and Sprinter.
8. Copies of Mercedes-Benz USA, LLC Voluntary Emissions Recall Reports (VERRs) submitted to date concerning the diesel-equipped model year 2007–2017 Mercedes ML 320, ML 350, GL 320, E320, S350, R320, E Class, GL Class, ML Class, R Class, S Class, GLK Class, GLE Class, and Sprinter, and Defect Reports and Emissions Service Actions accompanying or associated with each such VERR.
9. All correspondence with the law firms Squire Patton Boggs (US) LLP, Dykema Gossett, and Gibson, Dunn & Crutcher LLP concerning diesel-equipped model year 2007–2017 Mercedes ML 320, ML 350, GL 320, E320, S350, R320, E Class, GL Class, ML Class, R Class, S Class, GLK Class, GLE Class, and Sprinter.
10. All correspondence with any law firm or lobbying organization concerning diesel-equipped model year 2007–2017 Mercedes ML 320, ML 350, GL 320, E320, S350, R320, E Class, GL Class, ML Class, R Class, S Class, GLK Class, GLE Class, and Sprinter.

11. All communications with West Virginia University's (WVU) Center for Alternative Fuels, Engines & Emissions or the International Council on Clean Transportation concerning emissions testing and performance of diesel-equipped model year 2007–2017 Mercedes ML 320, ML 350, GL 320, E320, S350, R320, E Class, GL Class, ML Class, R Class, S Class, GLK Class, GLE Class, and Sprinter.
12. Letters, emails or other correspondence after January 1, 2006, located in: (1) Office of Transportation and Air Quality; (2) Diesel Engine Compliance Center, Compliance Division, Air Enforcement Division Office of Civil Enforcement containing the terms "Mercedes-Benz" or "BlueTEC."
13. Calendar entries and minutes for meetings or telephone calls between EPA officials and Mercedes-Benz USA LLC officials covering the period from January 1, 2006, to the present.

FOIA requires that your agency respond to this request for information within 20 business days of receipt of this letter. This request is segregable, and your agency may not withhold entire records because of one section that you believe is exempt from disclosure. In the event that this request yields a large volume of responsive material, we further ask that you provide the records on a rolling basis as they are located, rather than waiting to make one release.

Under federal law, if you choose to withhold any such parts of the records from disclosure, you must specify in a written response the factual and legal basis for withholding any part of the Records. Please contact us if we may assist in your office's response to this request.

Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP



Steve W. Berman

SWB:ar